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United States Attorney

Attorney for Plaintiff

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RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS SANGEL,

Defendant.

CR - 08 00185

VIOLATION:

18 U.S.C. § 1342 - Mail Fraud; 17 U.S.C.  
§ 506(a)(1)(A), 18 U.S.C. § 2319(b)(1) -  
Criminal Copyright Infringement; 18 U.S.C.  
§ 982(a)(8)(A)

SAN JOSE VENUE

JF  
RS

INFORMATION

The United States Attorney charges:

Introduction

1. Beginning on an unknown date and continuing until on or about February 26, 2008, in the Northern District of California and elsewhere, defendant Thomas Sangel ("Sangel") did knowingly and intentionally devise and execute a scheme and artifice to defraud his customers as to material matters, and to obtain money by means of materially false and fraudulent pretenses, representations, promises, and omissions.

The Scheme and Artifice to Defraud

2. The gist of the scheme and artifice to defraud was that Sangel would and did advertise for sale on the Internet auction site, www.eBay.com, new and genuine copies of Adobe

INFORMATION  
U.S. v. SANGEL

1 Photoshop Elements 5.0 software, when in truth and fact, as the defendant well knew, these  
2 copies were counterfeit. Sangel then sold and shipped these counterfeit copies to the  
3 unsuspecting purchasers.

4 3. As part of his scheme and artifice to defraud, Sangel established an  
5 eBay account, under the alias of Bigxp2000, and used this account to post advertisements on  
6 www.eBay.com, representing that he would sell new and genuine copies of Adobe Photoshop  
7 Elements 5.0 software, all the while knowing that such representations were false and fraudulent  
8 because the copies that he was selling were counterfeit.

9 4. It was part of his scheme that Sangel used a CD burner to replicate counterfeit  
10 copies of Adobe software and a scanner to create counterfeit Adobe labels. Defendant also used  
11 his two Tower computers to create and place his advertisements on the eBay website, send e-mail  
12 to the purchasers and create Photoshop elements serial number labels.

13 5. It was also part of his scheme that after the sale had concluded, Sangel would  
14 and did mail the counterfeit copies of Adobe Photoshop Elements 5.0 software to the purchaser  
15 after he had received payment for what the purchaser believed to be new and genuine copies of  
16 the software.

17 COUNT ONE: (18 U.S.C. § 1341– MAIL FRAUD)

18 6. Paragraphs 1 through 5 hereby are realleged and incorporated by reference as if set  
19 forth in full herein.

20 7. On or about October 19, 2007, in the Northern District of California and  
21 elsewhere, the defendant,

22 THOMAS SANGEL,

23 having devised and intending to devise a scheme and artifice to defraud and obtain money by  
24 means of materially false and fraudulent pretenses, representations, and promises, as described  
25 above, and for the purpose of executing said scheme and artifice and attempting so to do, did  
26 knowingly cause to be delivered by the United States Postal Service, a counterfeit copy of Adobe  
27 Photoshop Elements 5.0 software, from Milford, Iowa, to San Jose, California.

28 All in violation of Title 18, United States Code, Section 1341.

1 FORFEITURE ALLEGATION: (18 U.S.C. § 2320(b)(1) – Criminal Forfeiture)

2 8. Paragraphs 1 through 7 are hereby realleged and incorporated by reference as if set  
3 forth in full herein.

4 9. Upon conviction for offense alleged in Count One, the defendant,  
5 THOMAS SANGEL,  
6 shall forfeit to the United States any property constituting, and derived from any proceeds  
7 defendant obtained, directly or indirectly, as the result of such violations, and any of defendant's  
8 property used or intended to be used, in any manner or part, to commit or to facilitate the  
9 commission of such violations, pursuant to Title 18, United States Code, Section 982(a)(8)(A),  
10 including but not limited to the following:

- 11 a. Two Tower computers;
- 12 b. Cannon scanner, Serial No. TAAA15735;
- 13 c. CD burner, Serial No. W2410TA0289413;
- 14 d. Copies of counterfeit Adobe software; and
- 15 e. Counterfeit Adobe labels seized from defendant's residence on or about February  
16 26, 2008.

17 10. If as a result of any act or omission of defendant, any of said property

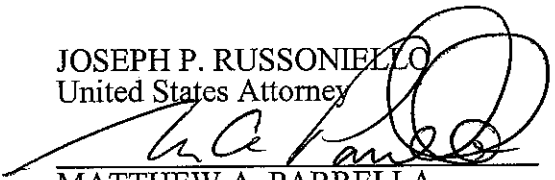
- 18 a. cannot be located upon the exercise of due diligence;
- 19 b. has been transferred, or sold, to or deposited with a third person;
- 20 c. has been placed beyond the jurisdiction of the Court;
- 21 d. has been substantially diminished in value; or
- 22 e. has been commingled with other property which, without difficulty, cannot  
23 be subdivided;

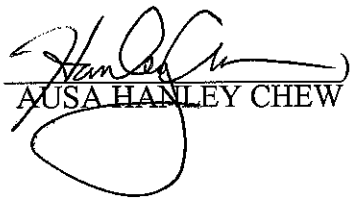
24 any and all interest defendant has in any other property (not to exceed the value of the above  
25  
26  
27  
28

forfeitable property) shall be forfeited to the United States, pursuant to Title 18, United States Code, Section 982(a)(8)(A).

Dated: 3/19/08

JOSEPH P. RUSSONIELLO  
United States Attorney

  
MATTHEW A. PARRELLA  
Chief, San Jose Office

(Approved as to form: )

AUSA HANLEY CHEW

AO 257 (Rev. 6/78)

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

18 U.S.C. 1341 - Mail Fraud  
18 U.S.C. 982 - Criminal Forfeiture☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

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## PENALTY:

20 year term of imprisonment  
\$250,000 fine (or twice the amount involved in the offense)  
3 year period supervised release  
\$100 mandatory special assessment

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)  
US Postal Inspector Kristine Kearney☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

Hanley Chew

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

RICHARD W. WIEKING

THOMAS S. ANGEL

U.S. DISTRICT COURT

DISTRICT COURT NUMBER

CR - 08 00185 JF

## DEFENDANT

## IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

Month/Day/Year

DATE TRANSFERRED  
TO U.S. CUSTODY☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☒ NO PROCESS\*☐ WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_